



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of

MEETING DATE May 16, 2014 EFFECTIVE DATE May 30, 2014	CONTACT/PHONE Schani Siong (805)781-4374 ssiong@co.slo.ca.us	APPLICANT Geraldine and James Dana	FILE NO. DRC2013-00071
SUBJECT Hearing to consider a request by GERALDINE & JAMES DANA for a Minor Use Permit to modify the 250 foot maximum distance standard for a secondary dwelling to the primary residence pursuant to County Land Use Ordinance Section 22.30.470(F). Due to the existing improvements on site, the 1,200 square foot secondary dwelling will be located approximately 350 feet from the primary single family residence on an approximately 15.02 acre parcel. The proposed project is within the Residential Rural land use category and is located at 1245 North Dana Foothill Road, approximately 0.53 mile east of the Highway 101 and North Thompson Avenue interchange, between the city of Arroyo Grande and community of Nipomo. The site is in the South County rural planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00071 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on April 22, 2014 (ED13-215)			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER 090-043-049	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements Section 22.10.060 – Exterior Lighting Section 22.10.090(C) – Height Limits Section 22.10.130 – Residential Density Section 22.30.470 – Residential Secondary Dwelling <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on May 30, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single-family Residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural / Single Family Residence and Dry Grazing East: Residential Rural / Single Family Residence and Farming South: Residential Rural / Single Family Residence and Dry Grazing West: Residential Rural / Single Family Residence with Dry Grazing			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, South County Advisory Council, Nipomo Community Service District	
TOPOGRAPHY: Gentle to moderately sloping	VEGETATION: Oaks, decorative/ornamental landscaping
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: March 17, 2014

DISCUSSION

The project is located at 1245 North Dana Foothill Road in Nipomo. The parcel is approximately 15.02 acres and surrounded by parcels zoned Residential Rural. Surrounding properties include dry grazing farmlands, orchards, single family residences and secondary residences. The site includes an existing residence, a barn, roping and riding area, and a dry grazing pasture. The existing residence is built atop a hill surrounded by mature landscaping and trees. All other site improvements, the riding and roping arena, the grazing area, and the existing barn are located in close proximity to the existing residence. Due to the existing configuration, locating the secondary dwelling within 250 feet, as required by Section 22.30.470 will require grading on the active grazing area and site disturbance on the riding arena. The location proposed for the secondary dwelling is within a clear, flat area located near the existing driveway, approximately 350 feet away from the main house.

LAND USE ORDINANCE STANDARDS

Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements

Residential Secondary Dwellings are allowed under Section 22.06.030 of the Land Use Ordinance on properties within the Residential Rural land use category.

Staff Response: The proposed development complies with this standard because it is an allowed use in the Residential Rural land use category.

Section 22.10.060 – Exterior Lighting.

- A. **Illumination only.** Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display.
- B. **Light directed onto lot.** Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.
- C. **Minimization of light intensity.** No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.
- D. **Light sources to be shielded.**
 - 1. Ground illuminated lights and elevated feature illumination.
- E. **Height of light fixtures.** Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

Staff Response: The proposed project is conditioned to meet this standard. At the time of construction permit application, the applicant shall provide details on any proposed exterior lighting, if applicable.

Section 22.10.090(C) – Height Limits

The maximum height for new structures on Residential Rural land use category is 35 feet, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards).

Staff response: The proposed development complies with this standard. The proposed secondary dwelling is a single level, manufactured structure not exceeding 35 feet in height.

Section 22.10.130(A)(2) – Residential Density

In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single family dwellings as permitted or conditional uses, the number of dwellings allowed on a single lot is as follows:

2. Residential land use categories: One for each legal parcel, except as follows:

d. *Secondary dwellings.* A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential Secondary Dwellings).

Staff response: The property is within the Residential Rural land use category, which allows for one single family dwelling and one secondary dwelling. The property is one legal parcel and there is one single family residence located on the site.

Section 22.30.470- Residential Secondary Dwellings

A second permanent dwelling may be allowed in addition to the first dwelling on a site, provided the site and the existing primary dwelling comply with all other applicable provisions of this Title.

The following describes the project's compliance with applicable with subsections:

B. Limitation on use.

1. **Accessory unit only.** A secondary dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary unit in compliance with this Section.

Staff response: The project complies with this standard. There is no other dwelling unit except the single family residence currently located on the site and the proposed secondary dwelling will be accessory to the primary dwelling.

2. **Occupancy of primary and secondary units restricted.** No secondary dwelling shall be approved in compliance with this Section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a secondary unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Section 22.10.

Staff response: The project will be conditioned to comply with this standard. The applicant (owners of the site) is occupying the existing single family residence as their primary residence and will continue to reside at their primary residence after the completion of the secondary dwelling.

E. Minimum site area. A secondary dwelling may be allowed only on sites with the following minimum areas:

1. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance.

Staff Response: The project complies with this standard. The property is approximately 15.02 acres with on-site water supply and an existing sewage disposal system. The proposed secondary dwelling will be subject to all applicable provisions of Title 19 (Building Code) for septic system design and performance, which includes adequate separation between the existing and proposed septic system for the secondary dwelling.

F. Design Standards.

1. The following apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres	1,200 square feet	Chip seal(3)	250 feet

Staff Response: The project seeks modification to the maximum distance (250 feet) secondary dwellings are allowed from the primary unit, as shown highlighted above. The location proposed for the secondary dwelling is within a clear, flat area located near the existing driveway, approximately 350 feet away from the main house. The proposed location will negate the need for extensive site disturbance and grading to the existing riding and roping area, active grazing pasture and the mature landscaping surrounding the primary residence. The proposed secondary dwelling unit is 1,200 square feet in compliance with the maximum size allowable.

2. **Driveways.** The driveways serving the primary and secondary dwelling shall be combined where possible.

Staff Response: The project complies with this standard. The existing driveway will serve both the existing primary dwelling and proposed secondary dwelling.

3. **Exceptions to design standards.** The maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

- a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:
 - i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
 - ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

- iii. Significant topographic features (steep slopes, ridgelines, bluffs), water courses, wetlands, lakes or ponds, or rocky outcrops.
- iv. Archeological resources

Staff Response: The project complies with this standard. The existing residence is built atop a hill surrounded by mature landscaping and trees. All other site improvements, the riding and roping arena, the grazing area and the existing barn are located in close proximity to the existing residence. Due to the existing configuration, locating the secondary dwelling within the maximum allowable 250 feet will require grading on the active grazing area and site disturbance on the riding arena. The location proposed for the secondary dwelling is within a clear, flat area located near the existing driveway, approximately 350 feet away from the main house and will involve minimal to no grading.

- 4. **Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence per Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

Staff Response: The proposed project complies with this standard because it is located on a 15-acre site with adequate space for additional on-site parking. The project is conditioned to show the location of these parking spaces on a revised site plan.

- 5. **Garage / Workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage / workshop shall be permitted.

Staff Response: The project complies with this standard because it does not include a garage/ workshop. Any future addition of a garage/workshop would be limited by this standard.

COMMUNITY ADVISORY COUNCIL:

The project was referred to the South County Advisory Council (SCAC) on February 20, 2014. No comment was received.

AGENCY REVIEW:

Public Works – No concerns. (Feb 28, 2014)

Building Division – The following comments were received:

- 1. The project is subject to a construction permit as well as the currently adopted California Codes (at the time of construction permit submittal).
- 2. The project may require a full soils report for the design of all building foundations at the time of construction permit application submittal.

3. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
4. A fire sprinkler will be required for the new manufactured residence.

Cal Fire – Supports the request for a distance waiver. (March 10, 2014)

Nipomo Community Service District – No comments.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 09-0063, Parcel #2 (Book 73, Pages 53-54 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Airlin Singewald.